

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

BID FOR POSITION, LLC,

Plaintiff/Counterclaim Defendant,

v.

Civil Action No. 2:07cv582 (JBF-TEM)

AOL LLC,  
GOOGLE INC.,  
MICROSOFT CORP.,  
and MIVA, INC.,

Defendants/Counterclaim Plaintiffs.

**NOTICE TO ALLOW DEFENDANTS TO SEAL  
CERTAIN EXHIBITS TO AND CERTAIN PORTIONS OF  
DEFENDANTS' JOINT OPENING BRIEF ON CLAIM CONSTRUCTION**

PLEASE TAKE NOTICE that Defendants, AOL LLC, Google Inc., Microsoft Corp. and MIVA, Inc. (collectively, "Defendants"), by counsel, in the referenced matter have petitioned the Court to grant leave for them to file certain exhibits, including Exhibit 3 ("Confidential Exhibits") to their Joint Opening Brief on Claim Construction ("Joint Brief") and portions of the Joint Brief under seal. The Confidential Exhibits and Joint Brief contain testimony from the inventor of one of the patents in suit are designated as "Confidential" and/or "Highly Confidential" under the Protective Order entered in this matter. Failing to file the Confidential Exhibits and portions of the Joint Brief under seal may risk the disclosure of the parties' confidential, trade secret information, would violate the Protective Order and potentially would cause competitive harm.

In compliance with Local Rule 5 of the Rules of this Court and *Ashcraft*, the Court posts the following notice to the public: "This serves as public notice that the Defendants, AOL LLC,

Google Inc., Microsoft Corp. and MIVA, Inc. (“collectively, Defendants”), have moved the Court to seal certain Exhibits to their Joint Brief and portions of the Joint Brief. Objections to this Motion should be filed in the Civil Section of the Clerk’s Office. The Notice will be posted for a minimum of forty-eight (48) hours.”

Dated: May 12, 2008

Respectfully submitted,

/s/

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## **CERTIFICATE OF SERVICE**

I hereby certify that on May 12, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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